

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>12/13/2021</u>
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-against-	:	19-CR-808 (VEC)
	:	
FALIKOU KONE,	:	<u>ORDER</u>
	:	
Defendant.	:	
-----	X	

VALERIE CAPRONI, United States District Judge:

WHEREAS on December 10, 2021, the Government disclosed to the defense information that was required to be produced pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), in connection with a trial for which jury selection was scheduled to begin on December 13, 2021; and

WHEREAS on December 11, 2021, counsel for Mr. Kone asserted that the late disclosure was a violation of Fed. R. Crim P. 5(f) and that the sanction should be a dismissal of the indictment or an adjournment;

IT IS HEREBY ORDERED that Mr. Kone's motion to dismiss the indictment is denied, but his motion to adjourn the trial is GRANTED.


IT IS FURTHER ORDERED that the parties must appear for a status conference on **January 6, 2022, at 4:30 p.m.**, in Courtroom 443, Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, NY 10007.

The parties are reminded that, per the SDNY COVID-19 Courthouse Entry Program, any person who appears at any SDNY courthouse must complete a questionnaire and have his or her temperature taken. Please see the enclosed instructions. Completing the questionnaire ahead of time will save time and effort upon entry. Only those individuals who meet the entry

requirements established by the questionnaire will be permitted entry. Please contact chambers promptly if you or your client do not meet the requirements.

SO ORDERED.

Date: December 13, 2021
New York, NY



VALERIE CAPRONI
United States District Judge

Instructions for Courthouse Entry

All members of the public, including attorneys, appearing at a Southern District of New York courthouse must complete a questionnaire and have their temperature taken before being allowed entry into that courthouse.

On the day you are due to arrive at the courthouse, click on the following weblink to begin the enrollment process. Follow the instructions and fill out the questionnaire. If your answers meet the requirements for entry, you will be sent a QR code to be used at the SDNY entry device at the courthouse entrance.

Weblink: <https://app.certify.me/SDNYPublic>

Note: If you do not have a mobile phone or mobile phone number, you must complete the questionnaire and temperature screening at an entry device at the courthouse.